



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,950	08/18/2006	Kazuya Yoshida	12140-0005	2123
22902	7590	04/07/2008	EXAMINER	
CLARK & BRODY 1090 VERMONT AVENUE, NW SUITE 250 WASHINGTON, DC 20005			WILLIAMS, MONICA L	
			ART UNIT	PAPER NUMBER
			3644	
			MAIL DATE	DELIVERY MODE
			04/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/589,950

Applicant(s)

YOSHIDA, KAZUYA

Examiner

MONICA L. WILLIAMS

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date 04/20/2007.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harr (4,249,482) in view of Rivard (US 2002/0043217 A1).
3. In re claim 1, with reference to col.6 lines 43-56, Figure 5, and the abstract, Harr discloses a laboratory animal breeding device comprising breeding cages (68), each of the breeding cages including a cage body a part of the cage body being opened and a removable cover (73) for hermetically sealing (col.4 lines 17-20) the opening in the cage body characterized in that an air supply device (33,35) for ventilation inside the breeding cage (68) is attached to the cover (73) of the breeding cage, the breeding cage comprising an air exhaust device (32,34), the air supply device (33,35) being formed of a fan filter unit (57, col.3 lines 39-58) comprising a fan device and a first filter, and the air exhaust device (32,34) being formed of an air exhaust opening (102) formed in the breeding cage, and air outside the cage is taken into the breeding cage while being cleaned by the fan filter unit, and contaminated air in the breeding cage is exhausted from the air exhaust opening. Not disclosed is a filter for the air passing through the air exhaust opening.

Art Unit: 3644

4. However, with reference to the abstract, Rivard discloses an animal caging system with air intake and exhaust system which has a filter for the air supply and second filter for cleaning air in the cage passing through the air exhaust opening. The advantage of this filter is to trap dust and hair. Thus it would have been obvious to one having ordinary skill in the art to modify the exhaust opening of Harr to include a filter as taught by Rivard in order to trap dust and hair.

5. In re claim 2, with reference to Figures 2 and 3, Harr discloses breeding racks, each of the breeding racks comprising a rack body having a plurality of horizontally extending shelf boards, the shelf boards being vertically arranged at predetermined intervals, a space between the shelf boards forming a cage receiving portion, and the breeding cage being placed in the cage receiving portion.

6. In re claim 3, with reference to col.3 lines 17-21, Harr discloses the breeding rack comprises an air exhaust box (41) attached to a rear surface of the rack body, the air exhaust box has an air exhaust chamber formed therein, the air exhaust box has an exhaust opening (32,35,32,34) communicating with the cage receiving portion and the contaminated air in the breeding cage exhausted from the air exhaust opening of the breeding cage to the cage receiving portion is exhausted from the exhaust opening into the exhaust air chamber.

7. In re claims 4 and 5, with reference to col.2 line 65 to col.3 line 10, Harr discloses the air supply device (33,35) is removably attached to the cover (73) of the breeding cage, and the air supply device (33,35) is removably attached to the shelf board of the breeding rack.

Art Unit: 3644

8. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harr (4,249,482) in view of Rivard (US 2002/0043217 A1) as applied to claims 1-5 above, and further in view of Miller (6,743,281).
9. In re claims 6 and 7, Harr as modified by Rivard disclose the claimed invention except for a state monitoring device.
10. However, with reference to col.5 lines 50-60, Miller discloses an air filtration system (fan filter unit) with a state monitoring device for displaying a state of operation of the fan filter unit and wherein the device is a display portion attached to an outer surface of the fan filter unit.

Claim Objections

11. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA L. WILLIAMS whose telephone number is (571)270-3113. The examiner can normally be reached on Mon to Fri 6:00-3:30, Alternate Friday off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Mansen/
Supervisory Patent Examiner, Art Unit 3644

Michael Mansen
Supervisory Patent Examiner
Art Unit 3644

MW 03/28/2008